

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA NO. 4699 of 2004
Date of decision. January 30,2007

Khairati Lal

.....Appellant

Versus

Surender Kumar

.....Respondent

CORAM

HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT

Mr. Lokesh Sinhal ,Advocate
appellant.
Mr. Alok Jain, Advocate
for respondent.

VINEY MITTAL , J(Oral)

Defendant Khairati Lal is in second appeal. He has lost in a suit for specific performance filed by plaintiff Surender Kumar in the two Courts below.

Plaintiff had claimed that an agreement to sell had been entered on September 28, 1998 by the defendant and he had received Rs. 1, 50,000/- as earnest money. The sale deed was to be executed on or before March 30, 1999 but the defendants had not executed the said sale deed. It was claimed that plaintiff was always ready and willing to perform his part of agreement.

The defendant denied the execution of the agreement and receipt of any earnest money. He claimed that the entire story with regard to execution of the agreement had been concocted by the plaintiff.

Both the Courts below have concurrently held that due execution and receipt of earnest money by the defendant had been duly proved by the plaintiff. It has also been held that plaintiff was always ready and willing to perform his part of agreement. In these circumstances, suit filed by the plaintiff has been decreed by the trial Court and the appeal filed by the defendant has failed before the Appellate court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to law.

No question of law, much less, any substantial question of law arises in the present appeal.

Dismissed.

January 30, 2007

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**(VINEY MITTAL)
JUDGE**